

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

COAST PLATING, INC.
128 W. 154th Street
Gardena, CA. 90248

EPA ID No. CAD 009 588 278

Respondent.

Docket HWCA 2003 0156

ENFORCEMENT ORDER

Health and Safety Code

Section 25187

INTRODUCTION

1. Parties. The State Department of Toxic Substances Control (Department) issues this Enforcement Order (Order) to Coast Plating, Inc. (Respondent).

1.2. Site. Respondent generates hazardous waste at the following site: 128 W 154th Street, Gardena, California 90248. (Site).

1.3.1 Generator. The Respondent generates the following hazardous wastes: spent acid from anodizing process (corrosive), spent chromic acid anodizing solution (corrosive containing chromium), waste sludge from tank bottoms of anodizing line (filter cake), out-of-spec waste paint containing chromium, waste filter paint and contaminated rags.

1 1 3.2 Permit/Interim Status. The local county Certified
2 Unified Program Agency(CUPA) issued the Respondent a permit-by-rule
3 on May 10, 2000.

4 1.4. Jurisdiction Section 25187 of the Health and
5 Safety Code authorizes the Department to order action necessary to
6 correct violations and assess a penalty when the Department
7 determines that any person has violated specified provisions of the
8 Health and Safety Code or any permit, rule, regulation, standard,
9 or requirement issued or adopted pursuant thereto.

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11 DETERMINATION OF VIOLATIONS

12 2 The Department has determined that:

13 2 1 The Respondent violated Health and Safety Code
14 section 25201, subdivision (a) in that from on or about January 17,
15 2002 to May 17, 2002 and from May 18, 2002 to August 28, 2002,
16 Respondent stored hazardous waste without a permit or other grant
17 of authorization from the Department. To wit, the Respondent stored
18 filter cake in super-sack containers and drums, corrosive sludge in
19 55-gallon drums, and waste paints in cubic yard boxes in excess of
20 90 days without a permit.

21 2 2 The Respondent violated California Code of
22 Regulations, title 22, sections 66262.34 and 66262 171, in that on
23 or about August 28, 2002, Respondent failed to transfer the
24 hazardous waste from containers that were severely rusted or not in
25 good condition to container(s) that are in good condition.

SCHEDULE FOR COMPLIANCE

3. Based on the foregoing Determination of Violations,
IT IS HEREBY ORDERED THAT:

3.1. Respondent has corrected the violations cited above.
Respondent shall operate hereinafter in a manner that shall prevent
recurrences of the violations cited herein.

3.2. Submittals. All submittals from a Respondent
pursuant to this Order shall be sent to:

Robert Kou, Unit Chief
Statewide Compliance Division
Department of Toxic Substances Control
1011 N. Grandview Avenue
Glendale, CA. 91201

3.3. Communications All approvals and decisions of the
Department made regarding submittals and notifications will be
communicated to Respondent in writing by the Branch Chief,
Department of Toxic Substances Control, or his/her designee. No
informal advice, guidance, suggestions, or comments by the
Department regarding reports, plans, specifications, schedules, or
any other writings by Respondent shall be construed to relieve
Respondent of the obligation to obtain such formal approvals as may
be required.

3.4. Department Review and Approval. If the Department
determines that any report, plan, schedule, or other document
submitted for approval pursuant to this Order fails to comply with
the Order or fails to protect public health or safety or the
environment, the Department may:

a. Modify the document as deemed necessary and approve
the document as modified, or

1 b. Return the document to Respondent with recommended
2 changes and a date by which Respondent must submit to the Department
3 a revised document incorporating the recommended changes.

4 3 5. Compliance with Applicable Laws: Respondent shall
5 carry out this Order in compliance with all local, State, and
6 federal requirements, including but not limited to requirements to
7 obtain permits and to assure worker safety.

8 3 6. Endangerment during Implementation: In the event
9 that the Department determines that any circumstances or activity
10 (whether or not pursued in compliance with this Order) are creating
11 an imminent or substantial endangerment to the health or welfare of
12 people on the site or in the surrounding area or to the environment,
13 the Department may order Respondent to stop further implementation
14 of this Order for such period of time as needed to abate the
15 endangerment. Any deadline in this Order directly affected by a
16 Stop Work Order under this section shall be extended for the term
17 of the Stop Work Order.

18 3 7. Liability: Nothing in this Order shall constitute
19 or be construed as a satisfaction or release from liability for any
20 conditions or claims arising as a result of past, current, or future
21 operations of Respondent. Notwithstanding compliance with the terms
22 of this Order, Respondent may be required to take further actions
23 as are necessary to protect public health or welfare or the
24 environment.

25 3 8. Site Access: Access to the site shall be provided
26 at all reasonable times to employees, contractors, and consultants
27 of the Department, and any agency having jurisdiction. Nothing in
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1 this Order is intended to limit in any way the right of entry or
2 inspection that any agency may otherwise have by operation of any
3 law. The Department and its authorized representatives shall have
4 the authority to enter and move freely about all property at the
5 Site at all reasonable times for purposes including but not limited
6 to: inspecting records, operating logs, and contracts relating to
7 the Site; reviewing the progress of Respondent in carrying out the
8 terms of this Order; and conducting such tests as the Department may
9 deem necessary. Respondent shall permit such persons to inspect and
10 copy all records, documents, and other writings, including all
11 sampling and monitoring data, in any way pertaining to work
12 undertaken pursuant to this Order.

13 3.9. Data and Document Availability. Respondent shall
14 permit the Department and its authorized representatives to inspect
15 and copy all sampling, testing, monitoring, and other data generated
16 by Respondent or on Respondent's behalf in any way pertaining to
17 work undertaken pursuant to this Order. Respondent shall allow the
18 Department and its authorized representatives to take duplicates of
19 any samples collected by Respondent pursuant to this Order.
20 Respondent shall maintain a central depository of the data, reports,
21 and other documents prepared pursuant to this Order. All such data,
22 reports, and other documents shall be preserved by Respondent for
23 a minimum of six years after the conclusion of all activities under
24 this Order. If the Department requests that some or all of these
25 documents be preserved for a longer period of time, Respondent shall
26 either comply with that request, deliver the documents to the
27 Department, or permit the Department to copy the documents prior to
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1 destruction. Respondent shall notify the Department in writing at
2 least six months prior to destroying any documents prepared pursuant
3 to this Order.

4 3.10. Government Liabilities: The State of California
5 shall not be liable for injuries or damages to persons or property
6 resulting from acts or omissions by Respondent or related parties
7 in carrying out activities pursuant to this Order, nor shall the
8 State of California be held as a party to any contract entered into
9 by Respondent or its agents in carrying out activities pursuant to
10 the Order.

11 3.11. Incorporation of Plans and Reports All plans,
12 schedules, and reports that require Department approval and are
13 submitted by Respondent pursuant to this Order are incorporated in
14 this Order upon approval by the Department.

15 3.12. Extension Request: If Respondent is unable to
16 perform any activity or submit any document within the time required
17 under this Order, the Respondent may, prior to expiration of the
18 time, request an extension of time in writing. The extension
19 request shall include a justification for the delay.

20 3.13. Extension Approvals: If the Department determines
21 that good cause exists for an extension, it will grant the request
22 and specify in writing a new compliance schedule.

23 OTHER PROVISIONS

24 4.1. Additional Enforcement Actions: By issuance of this
25 Order, the Department does not waive the right to take further
26 enforcement actions.
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1 4.2. Penalties for Noncompliance: Failure to comply with
2 the terms of this Order may also subject Respondent to costs,
3 penalties, and/or punitive damages for any costs incurred by the
4 Department or other government agencies as a result of such failure,
5 as provided by Health and Safety Code section 25188 and other
6 applicable provisions of law.

7 4.3 Parties Bound: This Order shall apply to and be
8 binding upon Respondent, and its officers, directors, agents,
9 employees, contractors, consultants, receivers, trustees,
10 successors, and assignees, including but not limited to individuals,
11 partners, and subsidiary and parent corporations.

12 4.4. Time Periods. "Days" for purposes of this Order
13 means calendar days

14 PENALTY

15 5. Based on the foregoing DETERMINATION OF VIOLATIONS,
16 the Department sets the amount of Respondent's penalty
17 at \$ 36,200. Payment is due within 30 days from the effective date
18 of the Order. Respondent's check shall be made payable to the
19 Department of Toxic Substances Control, and shall identify the
20 Respondent and Docket Number, as shown in the heading of this case.
21 Respondent shall deliver the penalty payment to:

22 Department of Toxic Substances Control
23 Accounting Office
24 1001 I Street, 21st floor
25 P. O. Box 806
26 Sacramento, California 95812-0806

27 A photocopy of the check shall be sent to:

28 Robert Kou, Unit Chief
29 Department of Toxic Substances Control
30 1011 N. Grandview Avenue
31 Glendale, CA 91201

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Order. Appeal procedures are described in the attached Statement

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This Order is final and effective twenty days from the date of mailing, which is the date of the cover letter transmitting the Order to Respondent, unless Respondent requests a hearing within

Date of Issuance October 15, 2003

Original signed by Robert Kou

Robert Kou, Unit Chief
Statewide Compliance Division
Department of Toxic Substances Control